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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

*18618*

FILE: B-203273.2

DATE: June 26, 1981

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MATTER OF: Miller's of Columbia

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DIGEST:

Protest denied by procuring agency, subsequently forwarded to GAO by agency at protester's request, is not timely because not filed with GAO within 10 working days of notice to protester of adverse agency action.

On May 27, 1981, we received a letter from the Department of the Army forwarding a protest of May 7, 1981, by Miller's of Columbia concerning a solicitation (IFB DABT47-81-B-0067) for typewriters by the Army at Fort Jackson, South Carolina. Miller's protest to our Office challenges a denial by the Army on May 6, 1981, of Miller's initial protest to the Army. Although this protest is untimely under our Bid Protest Procedures because not filed with our Office within 10 working days of notice to Miller's of the Army's adverse action on its protest, Energy Piping Systems, Inc., B-185573, January 29, 1976, 76-1 CPD 64, we kept the record open because Miller's was an interested party in a related timely protest by Royal Business Machines.

However, Royal Business Machines has withdrawn its protest. Consequently, we must now dismiss Miller's protest as untimely. Furthermore, the solicitation has been canceled and the protest is therefore moot.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel

*[Protest of Army Solicitation]*

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